

Message Text

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SUBJECT: PROSECUTION IN ECUADOR FOR POSSESSION OF MARIJUANA

REF: 77 QUITO 1805

1. MARCH 1978 ISSUE OF PLAYBOY MAGAZINE MENTIONS ON PAGE 58 THAT IN ECUADOR POSSESSION OF MARIJUANA FOR PERSONAL USE IS NOT SUBJECT TO PROSECUTION, ONLY POSSIBLE PLACEMENT IN REHABILITATION PROGRAM.

2. EMBASSY SEES THIS STATEMENT AS BOTH INCORRECT AND MISLEADING, SPECIFICALLY AS FOLLOWS:

(A) POSSESSION OF MARIJUANA FOR PERSONAL USE IS SUBJECT TO CRIMINAL PROSECUTION. RESULT OF PROSECUTION MAY BE PLACEMENT IN REHABILITATION PROGRAM AND SUBSEQUENT DEPORTATION.
(B) THE LAW OF CONTROL AND SUPERVISION OF THE TRAFFIC OF HALLUCINOGENICS AND PSYCHOTROPIC SUBSTANCES, TITLE III, ARTICLE 33, PARAGRAPH C, STATES THAT THE TERM QUOTE ILLICIT TRAFFIC UNQUOTE MEANS ALL COMMERCIAL TRANSACTIONS, POSSESSION OR SHIPMENT, FOR WHATEVER REASON, OF HALLUCINOGENIC MEDICINES OR DRUGS, DONE IN VIOLATION OF THE PRECEPTS CONTAINED IN THE SAID LAW. CONVICTION FOR TRAFFICKING IN MARIJUANA CARRIES PENALTIES REPORTED IN PARAGRAPH TWO OF REFERENCE. SINCE ARTICLE 33 EQUATES POSSESSION WITH TRAFFICKING, A CASE INVOLVING SIMPLE POSSESSION OF MARIJUANA
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RAISES QUESTION OF TRAFFICKING AND MAY FALL WITHIN PURVIEW OF ARTICLE 33, WITH CONSEQUENT PRISON SENTENCE. THIS PROBLEM DID ARISE IN ONE ARREST CASE IN QUITO IN 1977.

3. AMERICANS IN ECUADOR WHO POSSESS MARIJUANA FOR PERSONAL USE RUN RISK OF ARREST, DETENTION DURING INVESTIGATION AND TRIAL, CONSIDERABLE MEDICAL AND LEGAL EXPENSES AND POSSIBLE LONG TERM

IMPRISONMENT. FOR THIS REASON WE STRONGLY ADVISE AGAINST POSSESSION
OR USE OF MARIJUANA OR OTHER NARCOTICS WHILE IN ECUADOR.

4. EMBASSY REQUESTS THAT DEPARTMENT BRING THESE POINTS TO ATTENTION
OF PLAYBOY, WITH HOPE THAT THE MAGAZINE WILL ATTEMPT TO CORRECT THE
MISINFORMATION CONVEYED IN ITS MARCH ISSUE.
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